

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | 8:01CR261 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| GARY LEE JOHNSON, |) | |
| |) | |
| Defendant. |) | |

This matter comes on to consider the government's motion for Rule 35(b) hearing. Filing No. 192. Having considered the matter,

IT IS ORDERED that:

1. The government's request for hearing, Filing Nos. 192, is granted.
2. A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (Filing No. 138) has been set before the undersigned United States district judge on **November 28, 2005, at 1:30 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

3. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

4. **The U.S. Marshal is directed not to return the defendant to the district, and the defendant is held to have waived his right to be present.** If the defendant wishes to participate telephonically in the hearing, his attorney must notify chambers at least 24 hours before the hearing of the telephone number and contact person at the institution which defendant is incarcerated.

DATED this 18th day of November, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge